

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**GERALD D. HEBERT**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 1:06cv46LG-JMR**

**GEORGE PAYNE, ET AL.**

**DEFENDANTS**

**FINAL JUDGMENT**

This matter is before the Court on submission of the Report and Recommendation of Chief United States Magistrate Judge John M. Roper [50-1] entered in this cause on November 21, 2006. The Court, having adopted said Report and Recommendation as the finding of this Court by Memorandum Opinion and Order entered this date, finds that this matter should be dismissed. Accordingly,

**IT IS ORDERED AND ADJUDGED** that this matter be, and is hereby, dismissed without prejudice pursuant to FED. R. CIV. P. 41(b).

**SO ORDERED AND ADJUDGED** this the 8<sup>th</sup> day of December, 2006.

s/ *Louis Guirola, Jr.*  
LOUIS GUIROLA, JR.  
UNITED STATES DISTRICT JUDGE